

CITY OF FORT LAUDERDALE
UNSAFE STRUCTURES BOARD
THURSDAY, MARCH 17, 2016 AT 3:00 P.M.
CITY COMMISSION CHAMBERS
CITY HALL

Cumulative
Attendance
10/15 through
9/16

Board Members

	Attendance	Present	Absent
Thornie Jarrett, Chair	P	4	0
John Phillips, Vice Chair	A	2	2
John Barranco [arrived 3:08]	P	3	1
Joe Crognale	P	3	1
Pat Hale	P	3	1
Don Larson	P	4	0
Ian Seitel	P	3	1
Michael Weymouth	P	4	0
Steve Williams	P	2	0

City Staff

Porshia Goldwire, Clerk, Unsafe Structures Board
Alejandro DelRio, Building Inspector
George Oliva, Chief Building Inspector
Deanna Bojman, Secretary, Unsafe Structures Board
Rhonda Hasan, Assistant Attorney
Jamie Opperlee, ProtoType Inc. Recording Clerk

Communication to the City Commission

None

Witnesses and Respondents

CE16011362: Stephanie Toothaker, attorney

<u>Index</u>		
<u>Case Number</u>	<u>Respondent</u>	<u>Page</u>
1. CE16011362	JESSEN, ROBERT W ESTATE	3
	400 NE 12 AV	
Disposition:	The Board voted to continue the case to	
	April 21, 2016. Board approved 7-1.	
	Communication to the City Commission	11
	Board Discussion	11
	For the Good of the City	12

The regular meeting of the Unsafe Structures Board convened at 3:00 p.m. in the 1st Floor Commission Chambers, City Hall, 100 North Andrews Avenue, Ft. Lauderdale, Florida.

Approval of meeting minutes

Motion made by Mr. Larson, seconded by Ms. Hale, to approve the minutes of the Board's February 2016 meeting. In a voice vote, motion passed unanimously.

All individuals giving testimony before the Board were sworn in.

CHAIR JARRETT: And now, if the -- our clerk would like to start us off.

MS. GOLDWIRE: I absolutely would, but before I begin, I would like to introduce to you all the City's Building Official, John Travers.

CHAIR JARRETT: And good afternoon.

1 MR. WEYMOUTH: Hello Mr. Travers.

2 MR. TRAVERS: Good afternoon to the Board, how are
3 you? It's a pleasure to be here before you to let you now put
4 a face to the name. I will tell you that I served the City of
5 Hialeah for twenty-one years and I tried to retire in 2011.
6 My wife basically told me, you're not hanging around the
7 house; go find something to do.

8 So recently I was the Building Official in Monroe
9 County, the Florida Keys. An opportunity came available here
10 in the wonderful City of Fort Lauderdale and I've been here a
11 little over a year and a few months now. So, I'm at your
12 disposal, you have before you my cards. And I enjoy what I'm
13 doing here and I look forward to working with this Board in
14 these unfortunate situations where you have to make tough
15 decisions.

16 MR. WEYMOUTH: Thank you.

17 CHAIR JARRETT: Thank you John, and welcome.

18 MR. LARSON: Thank you.

19 MR. CROGNALE: Thank you.

20

21 **Cases**

22 1. Case: CE16011362

INDEX

23 JESSEN, ROBERT W ESTATE

24 400 NE 12 AV

25 MS. GOLDWIRE: Thank you all. The first and only

1 case on our agenda is a new business case for CE16011362, for
2 the property located at 400 Northeast 12 Ave. The property
3 owner is Robert W. Jensen [sic] Estate. This property was
4 posted on 02/26/16 and advertised in the Daily Business Review
5 on 02/26/16 and 03/04/16.

6 MR. LARSON: Mr. Chairman, I had a -- I've had no,
7 I've spoken --

8 CHAIR JARRETT: Right, that's, I was just waiting
9 for her to slow down and ask that question.

10 MR. LARSON: Oh, okay.

11 CHAIR JARRETT: Did any member of the Board have any
12 communications with any party regarding this? No?

13 MR. CROGNALE: None here.

14 CHAIR JARRETT: Okay. Please continue.

15 MS. TOOTHAKER: Good afternoon. My name is
16 Stephanie Toothaker, I'm an attorney with Tripp Scott and I
17 actually represent Bradford Cohen, who is the attorney for the
18 family that owns the house. Bradford could not -- sorry, I'm
19 pretty loud, I can scream. Bradford is traveling on another
20 case and couldn't be here today so asked me to come before
21 you. He is in the process of being appointed by the court as
22 the executor of the estate.

23 The family that's owned this house has owned it
24 since 1930 when it was originally built. It's in Victoria
25 Park. The gentleman that was living in it, which is the

1 father, passed away unfortunately, and the family has been
2 trying to work out the estate, including the house.

3 Unfortunately, during the course of time, there was
4 apparently a beehive on the house that the City went out and
5 extracted and caused a little bit of damage to the house that
6 we believe can be easily fixed and we've actually engaged a
7 structural engineer to look at the house.

8 Today, all we're -- and we've also, the City had
9 asked us to board it up. That permit is in process; it's not
10 been issued. So we expect in the next two weeks that we'll
11 have the permit to board the house and also have the court
12 appoint the executor.

13 And we're just asking for thirty days to come back
14 to you with a report of where we are with the house and
15 hopefully a structural engineer report that can speak about
16 the structure of the house. And if, in fact, the structural
17 engineer says that it's not, that it's not safe, we'd be happy
18 to tear it down at that time.

19 CHAIR JARRETT: Okay, so you're telling us that
20 you're in the process, you have an engineer hired?

21 MS. TOOTHAKER: Not been hired. We have the bid; we
22 can't hire the -- we cannot hire them until the executor has
23 been appointed by the court.

24 CHAIR JARRETT: I see. And Brad's going to be the
25 executor, is that the plan?

1 MS. TOOTHAKER: Brad is the executor, that's
2 correct, yes, yes.

3 CHAIR JARRETT: Okay. And then you or Brad would
4 come - you're requesting the Board to give you a thirty day
5 extension --

6 MS. TOOTHAKER: Yes.

7 CHAIR JARRETT: -- and you or Brad would return with
8 an engineer to give us a report. [inaudible]

9 MS. TOOTHAKER: We hope. I mean, hopefully, within
10 thirty days we can do that. But at a minimum, we'll come back
11 and tell you where we are with the court appointment, the
12 boarding and if the engineer, at that point, hopefully should
13 be hired. It's all dependent on when the court makes the
14 ruling of the executor.

15 CHAIR JARRETT: Okay.

16 MR. WEYMOUTH: Mr. Chair?

17 CHAIR JARRETT: Actually, we're doing this s little
18 backwards because typically, we have the City present the case
19 first but --

20 MS. TOOTHAKER: I'm sorry.

21 MR. WEYMOUTH: That's what I was going to ask is
22 whether the respondent recognizes the allegations that exist.

23 MS. TOOTHAKER: There is a -- there was a beehive
24 that was removed by the City and the person that did it, that
25 was hired by the City did do a little bit of damage to one of

1 the walls. We acknowledge that; that's something that needs
2 to be addressed.

3 MS. HALE: I don't know.

4 MR. WEYMOUTH: I think it would be prudent for us to
5 have the City put forth their case and then that way it's
6 documented.

7 CHAIR JARRETT: Yes, actually --

8 MR. WEYMOUTH: I completely agree and understand,
9 but.

10 MS. TOOTHAKER: Right.

11 CHAIR JARRETT: To, I've lost the word that I want
12 to use. I live in Victoria Park, I pass this home on a
13 regular basis. I'm familiar with the family that lived there.
14 Actually there was issues years and years ago and the
15 neighborhood association and volunteers went and cleaned up
16 the yard one time. So, I know that the damage we're talking
17 about is just that like two-foot square section of siding that
18 was removed from the side of the house --

19 MS. TOOTHAKER: That's my understanding, yes.

20 CHAIR JARRETT: -- for the beehive.

21 MS. TOOTHAKER: Yes.

22 CHAIR JARRETT: Okay.. Does the City inspector want
23 to speak?

24 MS. HASAN: Well, if I could Mr. Chair.

25 CHAIR JARRETT: Oh, okay.

1 MS. HASAN: Just at the beginning. Rhonda Montoya
2 Hasan with the City Attorney's Office. [inaudible] odd
3 dynamic. The City's actually in agreement with a continuance
4 and if it is acceptable to the Board, we would prefer to have
5 the full presentation at the next hearing for the following
6 reasons.

7 There was some confusion late yesterday and then
8 there was some additional confusion I guess on my part today,
9 so we really don't believe that we have proper notice under
10 the City code and under the applicable Florida Statutes. So
11 we appreciate that Counsel is here but we would feel more
12 comfortable noticing it properly. Obviously, there is a
13 certain amount of actual notice; there is a representation.

14 But just, again, we're dealing with the City's
15 recommendation of demolishing a home. We'd like to make sure
16 that everything is done properly. Certainly under my watch, I
17 like to have everything done properly. So we would prefer to
18 agree to the continuance at this point, reset it for next
19 month.

20 One of my concerns was the inability of anyone to
21 actually be present to speak on behalf of the property owner,
22 which of course is the estate. Hopefully we'll have that
23 resolved at the next hearing. I had reviewed the docket sheet
24 in the probate court. The probate was opened last September.
25 There's still not been an order appointing a personal rep. My

1 experience, personal experience, it seems that that's a little
2 bit long but again, most of the probate records are sealed and
3 we can't get access to the actual documents.

4 So hopefully by next time we'll have had proper,
5 full notice of the hearing, not an issue as to the violation
6 but as to the actual hearing itself, and then we'll hopefully
7 at that time have a authorized, legal representative that can
8 actually speak on behalf of the property and it will be
9 cleaner and in a better state to move forward.

10 CHAIR JARRETT: Okay. Thank you Rhonda.

11 MR. CROGNALE: Question?

12 CHAIR JARRETT: Sure Joe.

13 MR. CROGNALE: Rhonda, then this is going to be,
14 this session today is just going to be a continuation; there's
15 no need for the Board to act on the thirty-day extension.

16 [Mr. Barranco arrived at 3:08]

17 MS. HASAN: That would be my, it's up to the Board,
18 but my suggestion would be we would just continue it over
19 based upon agreement of the parties. And we'll re-notice the
20 hearing properly and then, again, hopefully there'll be a
21 legal representative.

22 CHAIR JARRETT: We, we actually haven't been
23 presented any evidence that indicates that it's an unsafe
24 structure.

25 MR. CROGNALE: That's correct.

1 CHAIR JARRETT: And quite frankly, from my view of
2 it, seeing it numerous times, it's just got a hole in the
3 wall. That's not really an unsafe structure. But there may
4 be more issues once the City presents it. Having heard that,
5 if there's no more discussion, does a Board member want to
6 make a motion for a continuance?

7 MR. WEYMOUTH: I'll make a motion.

8 MR. LARSON: I make a motion we --

9 CHAIR JARRETT: Michael?

10 MR. LARSON: Go ahead Michael.

11 MR. WEYMOUTH: I move that we continue this for
12 thirty-five days to the April 21 Unsafe Structures Board
13 meeting.

14 MS. HALE: I'll second.

15 CHAIR JARRETT: And was that a second by Pat?

16 MS. HALE: Yes.

17 CHAIR JARRETT: Okay. Any discussion gentleman and
18 lady? No? Then, all in favor say aye.

19 MR. WEYMOUTH: Aye.

20 MS. HALE: Aye.

21 MR. WILLIAMS: Aye.

22 MR. BARRANCO: Aye.

23 MR. SEITEL: Aye.

24 CHAIR JARRETT: Aye.

25 MR. CROGNALE: Aye.

1 CHAIR JARRETT: And any opposed say nay.

2 MR. LARSON: Nay.

3 CHAIR JARRETT: Then it's unanimous. So, you have
4 your thirty days, hopefully we'll see Brad and an engineer
5 next week, I mean next month, I'm sorry.

6 MR. WEYMOUTH: Thirty-five days.

7 CHAIR JARRETT: Thirty-five days.

8 MS. HALE: Is it thirty-five days?

9 CHAIR JARRETT: Yes ma'am?

10

11 COMMUNICATION TO THE CITY COMMISSION

INDEX

12 MS. GOLDWIRE: Nothing at all. Do you all have any
13 communications to the City Commission?

14 MR. WEYMOUTH: Not to the Commission, I've got a
15 communication to the City. I don't have a current parking
16 placard for my front windshield, so.

17 MS. GOLDWIRE: Okay. You'll have one before next
18 month.

19 MR. WEYMOUTH: Thank you.

20 MS. GOLDWIRE: You're welcome.

21

22 BOARD DISCUSSION

INDEX

23 None.



24

25

FOR THE GOOD OF THE CITY

No discussion.

[Meeting concluded at 3:10 p.m.]


BOARD CLERK
THORNIE JARRETT, CHAIR

[Minutes prepared by: J. Opperlee, Prototype, Inc.]

CERTIFICATION

I hereby certify that I have recorded and transcribed the City of Fort Lauderdale Unsafe Structures Board meeting held March 17, 2016, at 3:00 p.m., City Hall, 100 North Andrews Avenue, 1st Floor Commission Chambers, Fort Lauderdale, Florida.

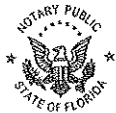
Dated at Ft. Lauderdale, Broward County, Florida, this 26 day of April, 2016.

PROTOTYPE, INC.



JAMIE OPPERLEE
Recording Clerk

SWORN TO and SUBSCRIBED before me by JAMIE OPPERLEE who is personally known to me and who signed the foregoing for the purposes therein expressed.

DATED this 28th day of April, 2016.



DEANNA BOJMAN
MY COMMISSION # FF 170704
EXPIRES: October 31, 2018
Bonded Thru Budget Notary Services


NOTARY PUBLIC
State of Florida